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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/989,301	Applicant(s) PUPUTTI, MATTI	
	Examiner Sumaiya A. Chowdhury	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/02 and 12/13/04</u> | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

1. Claim 13 is objected to because of the following informalities:

“second first” should be changed to –second--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 8-10, 12-17, 21, 24-26, 28-33, 37, 40-41, and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunheroto (6,643,298).

As for claims 1, 14, and 15, Brunheroto discloses a method for providing dynamic provisioning of services in a network, comprising:

Means/transmitter (112 – Fig. 3, col. 6, lines 27-44) for transmitting a service (program stream) having a control channel (QID – stream identifier, col. 3, lines 65-67)

over a first transport stream, in accordance with a first configuration parameter (10 – Fig. 1) of the service stored by an end user terminal, in which the control channel is identified with the first transport stream – col. 4, line 60 – col. 5, line 5, col. 6, lines 45-50 ;

Means/processor (114 – Fig. 3, col. 6, lines 27-44) for generating and transmitting a second configuration parameter (20 – Fig. 1) to the end user without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel with a second transport stream – col. 5, lines 1-5; and

Means (109 – Fig. 3, col. 6, lines 27-44) for transmitting the service to the end user terminal over the second transport stream – col. 7, lines 15-23.

As for claims 5, 21, and 37, Brunheroto discloses wherein the second configuration parameter comprises data allowing the end user terminal to access the service (The second configuration parameter is the updated table which includes the new PID value which is required to access the service – col. 3, lines 60-67, col. 4, lines 60-67).

As for claims 8, and 24, Brunheroto discloses wherein said transmitting the second configuration parameter further comprises: generating the second configuration – col. 4, lines 10-25.

As for claims 9, and 40, Brunheroto discloses selecting the second transport stream based on data size of the service – (The second transport stream is selected to conserve space - col. 4, lines 54-60.)

As for claim 10, Brunheroto discloses wherein the second configuration parameter includes a program identifier for the service transmitted in the second transport stream (The updated table (second configuration parameter) includes the new PIDs for the program streams – col. 4, line 60 – col. 5, line 5).

As for claims 12, and 28, Brunheroto discloses wherein the first configuration parameter comprises at least one parameter corresponding to addressing information for the service (The first table (10 – Fig. 1) includes the PID which corresponds to addressing information for the service – col. 3, lines 60-67).

As for claims 13, and 29, Brunheroto discloses wherein the second configuration parameter comprises at least one parameter corresponding to addressing for the service (The updated table (20 – Fig. 1) includes the PID which corresponds to addressing information for the service - col. 3, lines 60-67).

As for claim 16, Brunheroto discloses a method for dynamically receiving services in a network, performed by an end user terminal, the method comprising:

receiving a service (program stream) having a control channel (QID – stream identifier, col. 3, lines 65-67) over a first transport stream, in accordance with a first configuration parameter (10 – Fig. 1) of the service stored by the end user terminal in which the control channel is identified with the first transport stream – col. 4, line 60 – col. 5, line 5, col. 6, lines 45-50 ;

receiving a second configuration parameter (20 - Fig. 1) through the control channel without providing interactive information, the second configuration parameter identifying the control channel with a second transport stream – col. 5, lines 1-5; and

accessing the service over the second transport stream – (After the re-mapping, the updated stream is sent to the user - col. 7, lines 15-23).

As for claims 17, 30, and 31, Brunheroto discloses a method for providing dynamic provisioning of services in a network, comprising:

Means/transmitter (112 – Fig. 3, col. 6, lines 27-44) for transmitting a service having a control channel (QID – stream identifier) over a first portion (Several programs are multiplexed onto one stream, wherein each program has its own QID. Each QID corresponds to a separate program (portion). - col. 3, lines 65-67) of a transport stream, in accordance with a first configuration parameter (10 – Fig. 1) of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream – col. 4, line 60 – col. 5, line 5, col. 6, lines 45-50 ;

Means/processor (114 – Fig. 3, col. 6, lines 27-44) for transmitting a second configuration parameter (20 – Fig. 1) to the end user using without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel with a second portion of the transport stream - col. 5, lines 1-5; and

Means (109 – Fig. 3, col. 6, lines 27-44) for transmitting the service to the end user terminal over the second portion of the transport stream – col. 7, lines 15-23.

As for claim 25, Brunheroto discloses selecting the second portion of the transport stream based on data size of the service. – (The second transport stream is selected to conserve space - col. 4, lines 54-60.)

As for claim 26, Brunheroto discloses wherein the second configuration parameter includes a program identifier the service transmitted in the second portion of the transport stream (The updated table includes the updated PIDs for the service

transmitted in the second portion of the transport stream – col. 3, line 60 – col. 4, line 25).

Claim 32 contains the limitations of claims 1 and 16 and is analyzed as previously discussed with respect to those claims.

As for claims 33, 43, and 44, Brunheroto discloses a method for communicating a new service to an end user terminal over a network without interaction from the end user terminal, the method comprising:

Means/processor (processor within system) for assigning a service having a control channel (QID) to a first transport stream – col. 3, lines 60-67;

Means (system) for generating at least one configuration parameter (10 – Fig. 1) including the control channel for the service – col. 3, lines 60-67;

Means/transmitter (109 – Fig. 3) for transmitting the at least one configuration parameter to an end user terminal – col. 6, lines 28-40; and

Means (109 – Fig. 3) for transmitting the service including the control channel over the first transport stream, whereby the end user terminal accesses the service by reading the at least one configuration parameter and generates an appropriate interface using the control channel without providing interactive information (The service along

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with its QID (control channel) is transmitted over the first transport stream to the user, where the user access the service by the system using the configuration parameter (10 – Fig. 2). The program is then displayed (interface) using its specific QID without interactive information from the user. – col. 3, lines 60-67, col. 6, lines 28-40).

As for claim 41, Brunheroto discloses wherein said transmitting the configuration parameter comprises transmitting a program identifier for the service through the transport stream (The table (10 – Fig. 1) includes the PID of the program corresponding to the transport stream – col. 3, lines 48-67).

As for claim 45, Brunheroto discloses a method for dynamically receiving a new service over a network, performed by an end user terminal, the method comprising:

receiving at least one program identifier (PID) corresponding to a service on a network – col. 3, lines 48-67; and

selecting a control channel (QID) from the network corresponding to the packet identifier (Each program has an QID and PID – col. 3, lines 48-67);

receiving configuration information for the service from the control channel (The control channel is the stream identifier which provides the configuration information since it is associated with an PID – col. 3, lines 48-67);

generating an appropriate interface using the at least one configuration parameter (When the user selects a program, the system looks up, selects, and then

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displays the program by referring to the table (10 – Fig. 1) - col. 3, lines 60-67, col. 7, lines 15-23); and

receiving the service without providing interactive information to a network operator (The service is provided to the user without any user interaction – col. 7, lines 15-23, col. 6, lines 28-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 18, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Brunheroto in view of Dillon (6351467)

As for claims 2, 18, and 34, Brunheroto fails to disclose wherein the network is a digital video broadcasting network.

In an analogous art, Dillon discloses wherein the network is a DVB network – col. 16, lines 5-15.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include wherein the network is

a DVB network, as taught by Dillon, for the advantage of providing the user with programming to the user which is of good picture and sound quality.

6. Claims 3, 19, and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Gubbi (6934752).

As for claims 3, 19, and 35, Brunheroto fails to disclose the network is either a computer network or a wireless network.

In an analogous art, Gubbi discloses wherein the network is a wireless network and a computer network for the advantage of having a network which efficiently transmits multimedia data – col. 10, lines 6-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include the network is either a computer network or a wireless network, as taught by Gubbi, for the advantage of having a network which efficiently transmits multimedia data.

7. Claims 4, 20, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Kakizaki (6229883).

As for claims 4, 20, and 36, Brunheroto fails to disclose the control channel is an Internet Protocol control channel.

In an analogous art, Kakizaki discloses the control channel is an Internet Protocol control channel – col. 5, lines 53-57.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include the control channel is an Internet Protocol control channel, as taught by Kakizaki, for the advantage of using a protocol which is well-known for communicating data in a packet-switched network.

8. Claims 6, 7, 22, 23, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Allen (5892535).

As for claims 6, 22, and 38, Brunheroto fails to disclose wherein the service comprises television programs.

In an analogous art, Allen discloses wherein the service comprises television programs - col. 17, lines 53-57

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include wherein the service comprises television programs, as taught by Allen, for the advantage of providing the user audio visual programs.

As for claims 7, 23, and 39, Brunheroto fails to disclose wherein the service is an Internet Protocol-based service.

In an analogous art, Allen discloses wherein the service is an Internet Protocol-based service – col. 20, lines 20-25

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include wherein the service is an Internet Protocol-based service, as taught by Allen, for the advantage of using a standard protocol which is well-known for communicating data in a packet-switched network.

9. Claims 11, 27, and 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Lightfoot (5583864).

As for claims 11, 27, and 42, Brunheroto fails to disclose wherein the service comprises a plurality of services from a plurality of service providers.

In an analogous art, Lightfoot discloses wherein the user accesses multimedia information from a plurality of service providers for the advantage of offering users a wide array of video and interactive multi-media services – col. 10, lines 14-18, .

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Brunheroto's invention to include wherein the user accesses multimedia information from a plurality of service providers, as taught by Lightfoot, for the advantage of offering users a wide array of video and interactive multi-media services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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